

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Damien Quintyne	Team: Squad #5	CCRB Case #: 201507578	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 08/24/2015 4:55 AM	Location of Incident: § 87(2)(b) and the 115th Precinct.	Precinct: 115	18 Mo. SOL 2/24/2017	EO SOL 2/24/2017	
Date/Time CV Reported Mon, 09/07/2015 9:22 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 09/07/2015 9:22 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Barry Rattansingh	09476	954264	115 PCT
2. SGT Catherine Kunst	01788	943284	PBQ/N
3. An Officer			WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT James Obrien	05465	916332	PBQ/N
2. POM Robert Townsend	26441	955589	PBQ/N
3. DT3 Matthew Murphy	3752	930804	WARRSEC
4. DT2 Robert Graves	04588	945352	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A. An Officer	Abuse: At § 87(2)(b) in Queens, an officer damaged § 87(2)(b) and § 87(2)(b)'s property.	§ 87(2)(b)
B.POM Barry Rattansingh	Abuse: At the 115th Precinct Stationhouse PO Barry Rattansingh did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)
C.POM Barry Rattansingh	Abuse: At the 115th Precinct Stationhouse PO Barry Rattansingh did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)
D.SGT Catherine Kunst	Abuse: At the 115th Precinct Stationhouse Sgt. Catherine Kunst did not process § 87(2)(b)'s complaint regarding officers.	§ 87(2)(b)

Case Summary

At approximately 4:55 AM on August 24, 2015, Det. Matthew Murphy and Det. Robert Graves of the Warrant Squad went to § 87(2)(b) in Queens regarding an I-Card for § 87(2)(b) who was wanted in regards to a grand larceny investigation. § 87(2)(b) and § 87(2)(b) who live on the first floor and basement of the residence, were awakened by excessive banging, knocking and door bell ringing from the front door and windows.

§ 87(2)(b) and § 87(2)(b) feared for their safety and believed that someone was trying to break into their home. They all decided to lock themselves in their bathroom and called 911 on two different occasions for help. After waiting approximately 15-30 minutes in between each phone call, § 87(2)(b) and § 87(2)(b) decided to exit the bathroom to see if the individuals at the front door had left the premises.

Once the family exited the home, they alleged that they observed damage done to their front door in the form of an array of boot marks on the bottom of the door, marks and indentations near the doorknob, by the side of the house a dislodged window pane, and a broken potted plant that was believed to be caused by the knocking on the windows (**Allegation A**).

After surveying the damage, § 87(2)(b) and § 87(2)(b) decided to go to the 115th Precinct Stationhouse to speak with officers regarding what happened. At approximately 7:00 AM later that morning, § 87(2)(b) and § 87(2)(b) spoke with PO Barry Rattansingh of the 115th Precinct, and he allegedly refused to process § 87(2)(b)'s and § 87(2)(b)'s civilian complaints (**Allegations B and C**). At approximately 11:00 PM § 87(2)(b) and § 87(2)(b) returned to the stationhouse and spoke with Sgt. Catherine Kunst of the 115th Precinct. Allegedly Sgt. Kunst also refused to process § 87(2)(b)'s civilian complaint (**Allegation D**).

There is no video footage regarding the incident, but § 87(2)(b) audio recorded a portion of their conversation with Sgt. Kunst during the second visit to the 115th Precinct Stationhouse. That audio recording is embedded below.



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Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) do not have any prior convictions.
- When offered mediation § 87(2)(b) and § 87(2)(b) stated that they did not want to have their case mediated because they felt that it would not have the intended results for discipline they were hoping for.
- On January 27, 2016, a Notice of Claim search was requested and nothing was filed by or for § 87(2)(b) and § 87(2)(b) and § 87(2)(b).

Civilian and Officer CCRB Histories

- This is the first and only CCRB complaint filed by § 87(2)(b) and § 87(2)(b).

- PO Barry Rattansingh (#954264) has been a member of the NYPD for 3 years and has no prior CCRB complaints against him.
- Sgt. Catherine Kunst (#943284) has been a member of the NYPD for 9 years and has had 8 prior CCRB complaints against her. None of the 8 prior complaints were substantiated.

Potential Issues

- § 87(2)(b) is § 87(2)(b) and § 87(2)(b)'s neighbor. He was a witness to the incident that occurred. All contact attempts were exhausted and a statement was not able to be obtained from § 87(2)(b).
- In regards to acquiring a sworn statement from § 87(2)(b) she came on the interview date with § 87(2)(b) and § 87(2)(b). She signed a verification statement but said that she was not in a good physical state to provide a statement about the incident, but would provide one at a later time. When the CCRB called her back about taking a statement, § 87(2)(b) expressed that she did not wish to participate in the investigation anymore.
- § 87(2)(b) also expressed how § 87(2)(b) and § 87(2)(b) did not want to participate in the investigation anymore as well and they wanted to withdraw. It was explained to § 87(2)(b) and § 87(2)(b) that since they already provided a sworn statement the investigation would proceed.

Findings and Recommendations

Explanation of Subject Officer Identification

- During the time that the alleged property damage occurred and phone calls to 911, it is undisputed that Det. Murphy, Det. Graves and Sgt. O'Brien were at the location. Since there were no civilian witnesses that observed these officers committing the alleged actions, and no officer admitted to doing so, **Allegation A** is being pleaded against an officer.

Allegation A –Abuse of Authority: Property Damaged: At § 87(2)(b) in Queens, an officer damaged § 87(2)(b) and § 87(2)(b)'s property.

§ 87(2)(b) filed a complaint online with the CCRB on September 8, 2015. On September 15, 2015, § 87(2)(b) provided a telephone statement. § 87(2)(b) (**BR 01**) and § 87(2)(b) (**BR 02**) provided sworn statements on September 22, 2015. Sgt. O'Brien (**BR 07**) was interviewed on November 13, 2015. Detective Egan (**BR 08**) of the Manhattan South Detective Squad was interviewed on January 12, 2016. Detective Murphy (**BR 10**) and Detective Graves (**BR 11**) were interviewed on January 21, 2016, and January 27, 2016.

At approximately 4:55 AM on August 24, 2015, § 87(2)(b) and § 87(2)(b) were awakened in their home at § 87(2)(b) in Queens, by excessive banging, knocking, and doorbell ringing on the front door and their windows. Out of concern for their safety all three went into the bathroom, locked the door, and placed two calls to 911 requesting for a patrol car to investigate what was going on. At no point did § 87(2)(b) or § 87(2)(b) exit the bathroom to investigate if the individuals causing the noise had left or if the police had arrived on the scene.

In both their sworn statements, § 87(2)(b) and § 87(2)(b) stated that the excessive and loud banging, knocking, and doorbell ringing at their home made them go inside the bathroom and call 911. Two phone calls were made requesting for a patrol car to respond. § 87(2)(b) and § 87(2)(b) stated that no one had arrived at their home, and that 911 did not call them back to say that a patrol car had arrived. § 87(2)(b) and § 87(2)(b) did state they observed flashing lights outside the home from the back window in the bathroom. In between each phone call to 911, they waited approximately 15-30 minutes before exiting the bathroom after the final call.

Once outside, § 87(2)(b) stated he was the first to observe an alleged array of boot scuff marks on the bottom of the front door, marks and indentations near the door knob, by the side window a dislodged window pane, and inside a broken potted plant that was believed to have fallen from the knocking done on the window. § 87(2)(b) and § 87(2)(b) then followed § 87(2)(b) and observed the same thing. § 87(2)(b) spoke with a neighbor, § 87(2)(b) who told him that he observed police officers in plainclothes outside of their home, holding a picture asking about someone they were looking for.

When Sgt. O'Brien was interviewed he stated that he responded to the call for § 87(2)(b). Sgt. O'Brien stated when he arrived to the location he was met by two plainclothes officers from the Warrants Squad. Sgt. O'Brien did not observe or cause the property damage that occurred to § 87(2)(b).

When Det. Egan was interviewed he said he was conducting a grand larceny investigation which involved an individual by the name of § 87(2)(b). § 87(2)(b) current address was listed as § 87(2)(b) in Queens on his arrest report and an I-Card. Det. Egan stated that in regards to who was sent to § 87(2)(b) address, Det. Murphy would know because he was the supervising investigator for this investigation.

Det. Murphy acknowledged going to the address in regards to an I-Card investigation for § 87(2)(b). Both he and Det. Graves went to § 87(2)(b) address. Det. Murphy stated that he spoke with two individuals, a male and female, who were relatives of § 87(2)(b). Det. Graves did not recall the incident at all. Both Det. Murphy and Det. Graves denied observing any property damage or causing any damage to § 87(2)(b).

It is undisputed that Det. Murphy, Det. Graves and Sgt. O'Brien were present at the location of the incident. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

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Allegation B: Abuse of Authority: At the 115th Precinct Stationhouse PO Barry Rattansingh did not process § 87(2)(b)'s complaint regarding officers.

Allegation C: Abuse of Authority: At the 115th Precinct Stationhouse PO Barry Rattansingh did not process § 87(2)(b)'s complaint regarding officers.

PO Rattansingh (BR 05) was interviewed at the CCRB on November 4, 2015.

Both § 87(2)(b) and § 87(2)(b) went to the 115th Precinct Stationhouse at approximately 7:00 AM on August 24, 2015, to speak with officers about what occurred outside of their home. In both their sworn statements, § 87(2)(b) and § 87(2)(b) stated that once they arrived to the stationhouse, they spoke to PO Rattansingh.

§ 87(2)(b) and § 87(2)(b) both informed PO Rattansingh that their neighbor, § 87(2)(b) had observed police officers outside their home during the time the incident occurred. § 87(2)(b) and § 87(2)(b) wanted to speak with someone who was there. PO Rattansingh informed them that a Sgt. O'Brien responded to their home, so if they wanted to speak with him regarding what happened, he was not at the stationhouse at that time so they would have to come back. § 87(2)(b) and § 87(2)(b) stated that they wanted to file a police report or complaint to find out why the police were at their home. PO Rattansingh could not recall whether § 87(2)(b) or § 87(2)(b) had asked to file a complaint or report regarding the incident at their home.

§ 87(2)(b), § 87(2)(g)

Allegation D: Abuse of Authority: At the 115th Precinct Stationhouse Sgt. Catherine Kunst did not process § 87(2)(b)'s complaint regarding officers.

Sgt. Kunst (BR 06) was interviewed at the CCRB on November 6, 2015.

§ 87(2)(b) and § 87(2)(b) returned to the 115th Precinct Stationhouse at approximately 11:00 PM the same day. § 87(2)(b) spoke to Sgt. Kunst on this visit, and told her what happened at their address earlier in the day. § 87(2)(b) in his sworn statement said that Sgt. Kunst discouraged them from filing a report, but told him he could file a complaint with the CCRB. Sgt. Kunst in her interview stated that she instructed § 87(2)(b) and § 87(2)(b) that she would go to her office to help them. Sgt. Kunst told the three to wait five minutes, there was a lot going on in the stationhouse, and for them to be seated in the waiting area until she returned.

§ 87(2)(b) audio recorded a portion of their second visit to the 115th Precinct Stationhouse and the conversation with Sgt. Kunst. Sgt. Kunst does not discourage them from filing a complaint on the recording, and instructs them to give her five minutes and to be seated until she returned to assist them. Once she returned, in both § 87(2)(b) and § 87(2)(b)'s statements they said that Sgt. Kunst discouraged them from filing a report, and referred them to the CCRB.

